

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:09-cr-329

v.

HON. JANET T. NEFF

CHILON CLYDE MITCHELL,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Chilon Clyde Mitchell has filed a motion for modification or reduction of sentence (Dkt 47) pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is ineligible for a sentence reduction because he was sentenced to the statutory mandatory minimum sentence before the effective date of Amendment 750.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 47) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: December 21, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge